

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**June 18, 2007**

At 9:32 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Sims, Associate Justice; Nicholson, Associate Justice; Morrison, Associate Justice; and Horner, bailiff.

**C052681 ABRAHAM et al. v. NEILSON et al.**

Cause called. Meriam E. Hamilton argued for appellants. Stephen J. Mackey argued for respondents. Cause called.

**C052871 REED v. REED**

Cause called. Scott M. Kendall argued and Quinton J. Miller appeared only for appellant. Therese M. Hankel argued for respondent. Cause submitted.

At 10:26 a.m., the court recessed. At 10:30 the court reconvened with Sims, Associate Justice; Raye, Associate Justice; and Morrison, Associate Justice.

**C052237 COUNTY OF SACRAMENTO v. STATE WATER RESOURCES CONTROL BOARD et al.**

Cause called. Andrew M. Hitchings, Deputy County Counsel, argued for appellant. Bruce Reeves, Deputy Attorney General, argued for respondents. Cause submitted.

At 11:03 a.m., the court recessed. At 2:01 p.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C053098 MORGAN CREEK RESIDENTIAL v. KEMP et al.**

Cause called. Heather E. Stern argued and Lawrence Teplin appeared only for appellant. Christopher S. Hill argued for respondent. Cause submitted.

**C051112 THE PEOPLE v. DAMPIER, SR.**

Cause called. Richard M. Doctoroff, argued for appellant. A. Kay Lauterbach, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:57 a.m., the court recessed until 9:30 a.m., Tuesday, June 19, 2007.

**C045737 THE PEOPLE v. SINDORF (Not for Publication)**

Defendant's sentences are reversed and the case is remanded to the trial court with directions to resentence defendant in compliance with *Cunningham v. California*... In all other respects, the judgment is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Sims, Acting P.J.  
Davis, J.

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At 10:49 a.m., the court recessed. At 10:52 a.m., the court reconvened with Raye, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

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**June 19, 2007, continued**

**C053854      CHANG v. WORKERS' COMPENSATION APPEALS BOARD et al.**

Cause called. John Frailing argued and Susan R. Borg appeared only for petitioner. David Masami Goi argued for respondent SCIF. Cause submitted.

At 11:25 a.m., the court recessed. At 11:27 a.m., the court reconvened with Sims, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

**C052537      ROSE v. HUDSON, JR.**

Cause called. Fred J. Hiestand argued and Mark E. Merin appeared only for appellant. Kevin R. Culhane argued for respondent. Cause submitted.

At 11:58 a.m., the court recessed. At 2:01 p.m., the court reconvened with Davis, Associate Justice; Nicholson, Associate Justice and Hull, Associate Justice.

**C052833      HOLLAND v. UNION PACIFIC RAILROAD COMPANY**

Cause called. Diana Esquivel argued for appellant. Thomas A. Cregger argued for respondent. Cause submitted.

At 2:29 p.m., the court recessed. At 2:33 p.m., the court reconvened with Nicholson, Associate Justice; Raye, Associate Justice; and Hull, Associate Justice.

**C051589      THE PEOPLE v. WOLCOTT**

Cause called. Kyle Gee, court appointed counsel, argued for appellant. Catherine B. Chatman, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:51 p.m., the court recessed until 9:30 a.m., Wednesday, June 20, 2007.

**C049823      THE PEOPLE v. AMAYO      (Not for Publication)**

The order of commitment is affirmed.

BUTZ, J.

We Concur:    Blease, Acting P.J.  
                  Nicholson, J.

**C053237      THE PEOPLE v. SAETEURN      (Not for Publication)**

The judgment is affirmed.

Davis, Acting P.J.

We Concur:    Raye, J.  
                  Morrison, J.

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**June 19, 2007, continued**

**C050668      WESTCON CONSTRUCTION CORPORATION v. COUNTY OF SACRAMENTO  
(CERTIFIED FOR PUBLICATION)**

THE COURT:

The opinion in the above-entitled matter filed on June 6, 2007, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official Reports and it is so ordered.

We Concur:

MORRISON, Acting P.J.

HULL, J.

CANTIL-SAKAUYE, J.

**C053384      WILLIS v. WILLIS**

BY THE COURT:

Pursuant to the written stipulation of counsel, the appeal filed on August 10, 2006, is dismissed. It is further ordered that the remittitur issue forthwith...

SIMS, Acting P.J.

**June 20, 2007**

At 9:33 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Davis, Associate Justice; Raye, Associate Justice; Hull, Associate Justice; and Horner, bailiff.

**C052167      THE PEOPLE ex rel., etc. v. PURITEC**

Cause called. Stephen I. Davis argued for appellant. Roy S. Liebman, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:07 a.m., the court recessed. At 10:10 a.m., the court reconvened with Blease, Associate Justice; Raye, Associate Justice; and Hull, Associate Justice.

**C051601      BLINCOE et al. v. BLINCOE**

Cause called. Thomas D. Phillips argued for appellant. John R. Conger argued for respondents. Cause submitted.

**C054185      ARIAS v. THE SUPERIOR COURT OF SAN JOAQUIN COUNTY and ANGELO DAIRY et al.**

Cause called. Blanca A. Banuelos argued and Mike Meuter appeared only for petitioner. Anthony P. Raimondo argued for real parties in interest. Cause submitted.

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**June 20, 2007, continued**

At 11: 10 a.m., the court recessed. At 2:02 p.m., the court reconvened with Blease, Associate Justice; Raye, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C051723      THE PEOPLE v. TORRES**

Cause called. Anthony J. Palik argued for appellant. J. Robert Jibson, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:23 p.m., the court recessed. At 2:27 p.m., the court reconvened with Morrison, Associate Justice; Hull, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C052573      POSEIDON DEVELOPMENT, INC., v. WOODLAND LANE ESTATES  
C053481      POSEIDON DEVELOPMENT, INC., v. WOODLAND LANE ESTATES**

Cause called. Brendan Ishikawa argued for appellant. Terence Kilpatrick argued for respondent. Cause submitted.

At 3:01 p.m., the court recessed until 9:30 a.m., Friday, June 22, 2007.

**C052746      THE PEOPLE v. HAMMONS                      (Not for Publication)**

The judgment is affirmed.  
BLEASE, Acting P.J.  
We Concur: Nicholson, J.  
Butz, J.

**C051802      THE PEOPLE v. KNOX  
BY THE COURT:**

Appellant's petition for rehearing is denied.  
DAVIS, Acting P.J.

**C054450      THE PEOPLE v. HOUSTON-ANAYA  
BY THE COURT:**

Pursuant to the written request of the appellant, the appeal filed on November 22, 2006, is dismissed. It is further ordered that the remittitur issue forthwith...

Sims, Acting P.J.

**C053244      WILSON v. SPRING HILL MANOR CONVALESCENT HOSPITAL  
BY THE COURT:**

Appellant's petition for rehearing is denied.  
DAVIS, Acting P.J.

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**June 20, 2007, continued**

**C054382      In re D.B.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND  
HUMAN SERVICES v. K.A.**  
BY THE COURT:  
Appellant's petition for rehearing is denied.  
BLEASE, Acting P.J.

**June 21, 2007**

**C048087      THE PEOPLE v. HAYES      (Not for Publication)**  
The judgment is affirmed.  
ROBIE, J.  
We Concur: Blease, Acting P.J.  
Morrison, J.

**C050662      THE PEOPLE v. DELANEY      (Not for Publication)**  
The judgment is affirmed.  
NICHOLSON, J.  
We Concur: Davis, Acting P.J.  
Robie, J.

**C051471      THE PEOPLE v. BREWER, JR.      (Not for Publication)**  
The judgment is affirmed.  
HULL, J.  
We Concur: Davis, Acting P.J.  
Raye, J.

**C052249      THE PEOPLE v. HILL, JR.      (Not for Publication)**  
The sentence is reversed and the case remanded to conduct a new  
sentencing hearing... In all other respects, the judgment is affirmed.  
RAYE, J.  
We Concur: Davis, Acting P.J.  
Hull, J.

**C052278      THE PEOPLE v. FIGUERAS      (Not for Publication)**  
The judgment is affirmed. The trial court is directed to amend the abstract  
of judgment to note that the defendants is to pay restitution fines... The trial court  
shall forward a certified copy of the abstract as amended to the Department of  
Corrections and Rehabilitation.  
DAVIS, Acting P.J.  
We Concur: Morrison, J.  
Hull, J.

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**June 21, 2007, continued**

- C052909      THE PEOPLE v. BILLS      (Not for Publication)**  
The judgment is affirmed.  
DAVIS, Acting P.J.  
We Concur: Raye, J.  
Hull, J.
- C053784      SAREEN v. SAREEN      (Not for Publication)**  
The judgment (order) of the trial court granting respondent's motion to quash is reversed. Appellant is awarded her costs on appeal...  
CANTIL-SAKAUYE, J.  
We Concur: Nicholson, Acting P.J.  
Morrison, J.
- C053924      In re LUNA M.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. PHILLIP M. et al.      (Not for Publication)**  
The order denying visitation to the maternal grandparents is affirmed.  
BUTZ, J.  
We Concur: Hull, Acting P.J.  
Robie, J.
- C052194      THE PEOPLE v. HICKS, SR.      (Not for Publication)**  
THE COURT:  
It is ordered that the opinion filed herein on May 24, 2007, be modified...  
... This modification does not change the judgment.  
Defendant's petition for rehearing is denied.  
BY THE COURT:  
SCOTLAND, P.J.  
MORRISON, J.  
ROBIE, J.

**June 22, 2007**

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Nicholson, Associate Justice; Morrison, Associate Justice; and Harper, bailiff.

- C052082      STONERIDGE PARKWAY PARTNERS v. MW HOUSING PARTNERS III, et al.**  
Cause called. Colin S. Grahl argued for appellant. Michael T. Fogarty argued for respondents. Cause submitted.
- C049069      THE PEOPLE v. CHUN**  
Cause called. Mark Greenberg, court appointed counsel, argued for appellant. Melissa Lipon, Deputy Attorney General, argued for respondent. Cause submitted.

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**June 22, 2007, continued**

At 10:39 a.m., the court recessed. At 10:43 a.m., the court reconvened with Blease, Associate Justice; Nicholson, Associate Justice; and Butz, Associate Justice.

**C051103      DINGES v. JOHNSON**

Cause called. Stephanie J. Finelli argued for appellant. Ronald E. Dosh argued for respondent. Cause submitted.

At 11:08 a.m., the court recessed. At 11:13 a.m., the court reconvened with Davis, Associate Justice; Nicholson, Associate Justice; and Butz, Associate Justice.

**C053355      CALIFORNIA CAPITAL INSURANCE COMPANY v. NIELSEN**

Cause called. Susan D. Wallace argued for appellant. Mark R. Israel argued for respondent. Cause submitted.

At 11:33 a.m., the court recessed. At 11:38 a.m., the court reconvened with Davis, Associate Justice; Nicholson, Associate Justice; and Robie, Associate Justice.

**C052006      ELMWOOD NEIGHBORHOOD ASSOCIATION v. CITY OF DAVIS et al. and  
CAL AGGIE CHRISTIAN ASSOCIATION**

Cause called. Donald B. Mooney argued for appellant. Harriet A. Steiner argued for respondents. Whitman F. Manley argued and Amy R. Higuera appeared only for real parties in interest. Cause submitted.

At 12:06 p.m., the court recessed. At 1:59 p.m., the court reconvened with Sims, Associate Justice; Morrison, Associate Justice; and Butz, Associate Justice.

**C050369      THE PEOPLE v. ALEXANDER**

Cause called. Richard T. Dudek argued for appellant. Angelo S. Edralin, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:20 p.m., the court recessed. At 2:27 p.m., the court reconvened with Davis, Associate Justice; Nicholson, Associate Justice; and Butz, Associate Justice.

**C052615      GILMORE v. SEARS, ROEBUCK AND COMPANY et al.**

Cause called. Kirk J. Wolden argued for appellant. Lisa L. Halko argued for respondent Sears. Stephen H. Smith argued and Stephen L. Ramazzini appeared only for respondent ICON. Cause submitted.

At 2:54 p.m., the court recessed until 9:30 a.m., Monday, June 25, 2007.



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**The Minutes**

**June 22, 2007, continued**

- C049842      THE PEOPLE v. BALLINGER      (Not for Publication)**  
The judgment is affirmed.  
HULL, J.  
We Concur: Scotland, P.J.  
Nicholson, J.
- C051308      THE PEOPLE v. CARTER      (Not for Publication)**  
Defendant's conviction on count 7 is reversed, and the trial court's order of no visitation/no contact between defendant and the victims is stricken. In all other respects, the judgment is affirmed. The trial court is ordered to prepare an amended abstract of judgment and forward it to the Department of Corrections and Rehabilitation.  
HULL, J.  
We Concur: Scotland, P.J.  
Blease, J.
- C051676      THE PEOPLE v. OROSCO      (Not for Publication)**  
The judgment is affirmed.  
RAYE, J.  
We Concur: Blease, Acting P.J.  
Butz, J.
- C051703      THE PEOPLE v. FLOYD      (Not for Publication)**  
The judgment is affirmed.  
RAYE, J.  
We Concur: Scotland, P.J.  
Nicholson, J.
- C051940      THE PEOPLE v. RAWLINSON      (Not for Publication)**  
The judgment is modified... As modified, the judgment is affirmed.  
RAYE, J.  
We Concur: Nicholson, Acting P.J.  
Robie, J.:
- C051988      THE PEOPLE v. BUFFINGTON      (Certified for Partial Publication)**  
The judgment is affirmed.  
ROBIE, J.  
I Concur: Butz, J.  
... Accordingly, in my view, the trial court correctly permitted the prosecutor to pursue this line of cross-examination.  
... In all other respects, I concur in the majority's analysis and in the affirmance of the judgment.  
SCOTLAND, P.J.

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**June 22, 2007, continued**

- C052667      THE PEOPLE v. KEGLEY      (Not for Publication)**  
The judgment is affirmed.  
RAYE, J.  
We Concur: Scotland, P.J.  
Robie, J.
- C053165      THE PEOPLE v. SHANK      (Not for Publication)**  
The judgment is affirmed.  
CANTIL-SAKAUYE, J.  
We Concur: Scotland, P.J.  
Blease, J.
- C053195      THE PEOPLE v. NORDSTROM      (Not for Publication)**  
The judgment is affirmed.  
RAYE, J.  
We Concur: Scotland, P.J.  
Nicholson, J.
- C052709      MBA CONSTRUCTION, INC. v. REDDING SCHOOL DISTRICT      (Not for Publication)**  
The judgment is affirmed. The District shall recover costs on appeal...  
CANTIL-SAKAUYE, J.  
We Concur: Scotland, P.J.  
Blease, J.
- C052592      THE PEOPLE v. REYES**  
BY THE COURT:  
Appellant's petition for rehearing is denied.  
RAYE, Acting P.J.
- C055419      THE PEOPLE v. BARTH**  
BY THE COURT:  
Pursuant to the written request of the appellant, the appeal filed on April 2, 2007, is dismissed. It is further ordered that the remittitur issue forthwith...  
SCOTLAND, P.J.

**COURT OF APPEAL  
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**The Minutes**

**June 22, 2007, continued**

**C051657      KING v. UNITED PARCEL SERVICE, INC., et al.**  
**(CERTIFIED FOR PUBLICATION)**

THE COURT:

The opinion in the above-entitled matter filed on May 23, 2007, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official Reports and it is so ordered.

BY THE COURT:

NICHOLSON, Acting P.J.

RAYE, J.

HULL, J.

**C052700      SCILACCI et al. v. PLACER COUNTY BOARD OF SUPERVISORS and  
LAKEVIEW FARMS, INC.**

BY THE COURT:

Real Party in Interest and respondent Lakeview Farms, Inc.'s request to publish the opinion filed on May 31, 2007, is denied.

BLEASE, Acting P.J.